

YUMOTO et al.  
Appln. No. 10/687,610  
Amendment Under 37 C.F.R. § 1.111

**REMARKS**

Claims 1 and 3-20 are all the claims pending in the application. Claims 1 and 11 have been amended to incorporate features of Claim 2 and Claim 2 has been cancelled accordingly. No new matter has been introduced and entry of amendments is respectfully requested.

**Rejection of Claims 1, 3-7, 11-17, 19 and 20 under 35 U.S.C. § 102(b)**

Claims 1, 3-7, 11-17, 19, and 20 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Baron U.S. Patent No. 4,328,322 (“Baron”).

Baron is relied on to disclose a polyether derivative and a process for producing the polyether derivative by reacting nitrobenzoyl chloride and a polyalkylene ether, followed by reduction of the nitro groups into corresponding amino groups. Applicants do not agree.

Nevertheless, in order to expedite the process of the examination, Applicants have amended Claims 1 and 11 to incorporate the features of Claim 2, which were considered allowable by the Office Action if rewritten in independent form.

Accordingly, it is believed the rejection of Claims 1 and 11, and their dependent Claims 3-17, 11-17, 19 and 20 under 35 U.S.C. § 102(b) is not sustainable and it is respectfully requested that the rejection be withdrawn.

**Rejection of Claims 1, 3-7, 11, 12, 15-17, and 20 under 35 U.S.C. § 102(b)**

Claims 1, 3-7, 11, 12, 15-17, and 20 have been rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Fuller et al. U.S. Patent No. 4,829,099 (“Fuller”).

Fuller was relied on to disclose a polyether derivative and a process for producing the polyether derivative.

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Contrary to the Office Action, Fuller does not disclose a polyether derivative as recited in the claims of the present application.

Furthermore, Claims 1 and 11 have been rewritten to incorporate the features of Claim 2, which was considered allowable by the Office Action, if rewritten in independent form. Accordingly, it is believed the rejection of Claims 1 and 11, and their dependent Claims 3-7, 11, 12, 15-17 and 20 under 35 U.S.C. § 102(b) is not sustainable and it is respectfully requested that the rejection be withdrawn.

**Rejection of Claim 18 under 35 U.S.C. § 103(a)**

Claim 18 has been rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Baron or Fuller.

As discussed above, Claim 11, which is a base claim of Claim 18, has been amended to incorporate Claim 2. The Office Action considered Claim 2 as allowable if rewritten in independent form. Therefore, it is believed the rejection of Claim 18 under 35 U.S.C. § 103(a) is moot by virtue of the amendment.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,



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